



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 22, 1996

Ms. Gail Fenter
Assistant City Attorney
City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR96-0223

Dear Ms. Fenter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38193.

The City of Midland (the "city") received a request for certain police records that involve one or more juvenile offenders. You contend that the identities of the juvenile offenders and suspects are excepted from required public disclosure under section 552.101 of the Government Code as information made confidential by law. You also contend that the identities of the witnesses contained in the documents are excepted from required public disclosure under section 552.108 of the Government Code.

The release of law enforcement records of offenses committed by a juvenile before January 1, 1996 is governed by former Family Code section 51.14(d),¹ which provides, in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records

¹The Family Code was substantially amended by the Seventy-fourth Legislature including the repeal of section 51.14. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590. However, the amendments to the Family Code apply only to conduct that occurs on or after January 1, 1996. *Id.* § 106, 1995 Tex. Sess. Law Serv. at 2591. "Conduct that occurs before January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose." *Id.* The requested information concerns conduct that occurred before January 1, 1996.

[concerning a child] are not open to public inspection nor may their contents be disclosed to the public.²

In Open Records Decision No. 181 (1977) at 2, this office held that former section 51.14(d) excepts police reports which identify juveniles or furnish a basis for their identification. *See also* Open Records Decision No. 394 (1983) at 4-5 (applying former Fam. Code § 51.14(d) to "police blotter" and related information). You do not indicate that the offense report at issue here relates to charges for which the city transferred the juvenile under section 54.02 of the Family Code³ to a criminal court for prosecution, nor that article 15.27 of the Code of Criminal Procedure⁴ applies. Moreover, we do not understand any of the exceptions to former section 51.14(d) to apply here.⁵ Accordingly, we conclude that the city must withhold the requested information under section 552.101 as information deemed confidential by law. As we resolve this matter under section 552.101, we need not address the applicability of section 552.108.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Open Records Division

KHG/LBC/ch

Ref: ID# 38193

Enclosures: Submitted documents

²Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 3, 1993 Tex. Gen. Laws 1850, 1852, *repealed* by Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Sess. Law Serv. 2517, 2590.

³Act of May 25, 1973, 63d Leg., R.S., ch. 544, § 1, 1973 Tex. Gen. Laws 1460, 1476-77, *amended by* Act of May 19, 1975, 64th Leg., R.S., ch. 693, §§ 15-16, 1975 Tex. Gen. Laws 2152, 2156-57 (adding subsecs. (m), (j), (k), (l)), *amended by* Act of May 8, 1987, 70th Leg., R.S., ch. 140, §§ 1-3, 1987 Tex. Gen. Laws 309 (amending subsecs. (a), (h), (j)).

⁴Act of May 22, 1993, 73d Leg., R.S., ch. 461, § 1, 1993 Tex. Gen. Laws 1850-51.

⁵*See id.* § 3, 1993 Tex. Gen. Laws at 1852 (repealed 1995) (former Fam. Code § 51.14(d)(1), (2), (3)).